

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
JOHN H. HAMILTON, SR.,	§	Case No. 10-35770
	§	(Chapter 7)
DEBTOR.	§	

NOTICE OF 2004 EXAMINATION AND REQUEST FOR DOCUMENTS


TO: Weston Lakes Country Club, by and through their Officer and General Manager, Jason Hall, 32611 FM 1093, Fulshear, Texas 77441.

PLEASE TAKE NOTICE that the Examination of Weston Lakes Country Club by and through their Officer and General Manager, Jason Hall pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure by the undersigned, counsel for Ronald J. Sommers, Chapter 7 Trustee.

PLEASE TAKE FURTHER NOTICE that pursuant to Bankruptcy Rule 2004 and 9016, the undersigned, counsel for the Ronald J. Sommers, Chapter 7 Trustee, requests that **Weston Lakes Country Club** produce or make available for inspection, copying and review all documents listed on **Exhibit "A"** on **May 13, 2011** at the law offices of Snow Fogel Spence LLP, 2929 Allen Parkway, Suite 4100, Houston, Texas 77019, Attention: Ross Spence.

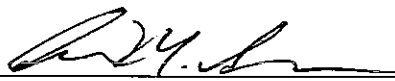
Respectfully submitted,

SNOW FOGEL SPENCE LLP

By: 
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COUNSEL FOR RONALD J. SOMMERS, TRUSTEE

CERTIFICATE OF SERVICE

I certify that on 26th day of April, 2011, a true and correct copy of the above and foregoing was served upon all parties per the Service List attached as **Exhibit 1** via the Court's electronic case filing system (ECF) and/or via First Class Mail and the following parties via facsimile.


Aaron M. Guerrero

INSTRUCTIONS

1. The items specified in Exhibit "A" (a) shall be produced as they are kept in the usual course of business or (b) shall be organized and labeled to correspond to the categories specified in the requests. If a document exists only in electronic or magnetic form, please indicate that in your response and produce the document in PDF form on a CD, DVD or flash drive.

2. For each document or other requested information that you assert is privileged (privilege as used herein shall include work product) or is not discoverable, please identify that document or other requested information. State the specific grounds for the claim of privilege or other grounds for exclusion. Also, for each item or document you claim is not discoverable, state the date of the document, the name, job title, and address of the person who prepared it; the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; the name, job title, and address of the person now in possession of the document; a description of the subject matter of the document; the present location and the custodian for the document. Furthermore, each item, if any, that is withheld from production pursuant to a claim of privilege should be segregated and maintained for possible in-camera submission to the Court.

3. For any requested information about a document that no longer exists or that cannot be located, identify the document, state how and when it passed out of existence, or when it could no longer be located, and the reasons for the disappearance. Also, identify each person having knowledge about the disposition or loss of the document, and identify any other document evidencing the lost document's existence or any facts about the lost document.

4. Each page of each item produced in response to the Requests for Production may be copied and numbered during inspection with a consecutive numbering machine. The items produced in response to this Request may be copied by microfilm, photography, xerography, or comparable process, or some combination thereof.

5. The person or persons who provide information in answer to the interrogatories shall each identify which answers have been provided and furnish his or her name, address, and title. The interrogatories must be answered and signed under oath.

6. A question that seeks information contained in or information about or identification of any documents may be answered by providing a copy of such document for inspection and copying or by furnishing a copy of such document without a request for production.

7. If you fail to respond to the Requests for Admissions within 20 days of service, then each will be deemed admitted by you.

DEFINITIONS

1. “Adversary Proceeding” as used herein shall refer to Adversary No. 10-03609; *Ronald J. Sommers, Trustee, v. Patricia L. Hamilton*; in the United States Bankruptcy Court for the Southern District of Texas, Houston Division.
2. “Agents,” “Servants,” or “Employees” and any other such designation as used herein shall mean any person now serving as such, and any person serving at any relevant time in any such capacity, even though no longer serving in such capacity.
3. “Among” as used herein shall mean between or among.
4. “And” as used herein shall mean and/or.
5. “Any” as used herein shall mean any and all.
6. “Bankruptcy Proceeding” as used herein shall refer to Case No. 10-35770; *In re John H. Hamilton, Sr.*; in the United States Bankruptcy Court for the Southern District of Texas, Houston Division.
7. “Communication” means any oral or written communication of which Excel Mortgage Corporation has knowledge, information or belief, including electronic mail.
8. “Concerning” means, in whole or in part, directly or indirectly, referring to, relating to, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, and constituting.
9. “Custody,” “control,” or “possession” as used herein shall mean in one’s physical possession, and/or if one has the right to secure the document or a copy thereof from another person, corporation, partnership, governmental agency, or entity having physical possession thereof.
10. “Date” means the exact date, month, and year, if ascertainable, or, if not, the best available approximation.
11. “Debtor” shall mean John H. Hamilton, Sr., including his agents, representatives, attorneys, employees, affiliates, successors, accountants, and any other person or entity authorized to act on his behalf or within his control, whether present or past.
12. “Document” or “documents” means all written, typed, or printed matters, and all magnetic or other records or documentation of any kind or description (including, without limitation, all electronic data, letters, correspondence, telegrams, memoranda, notes, records, minutes, contracts, agreements, records, or notations of telephone or personal conversations, conferences, inter-office communications, E-mail, microfilm, bulletins, circulars, pamphlets, photographs, facsimiles, invoices, tape recordings, computer printouts and work sheets), including drafts and copies not identical to the originals, all photographs and graphic matter,

however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, consultants, accountants, attorneys or other agents, whether or not prepared by you. A document or tangible item is within your control if you have a right to compel a third party to produce it to you.

13. “Evidencing” as used herein shall mean proving, indicating, or probative of the existence or nature of.

14. “Weston Lakes” as used herein shall mean Weston Lakes Country Club.

Exhibit "A"

Please produce the following documents:

1. Documents evidencing every purchase the Debtor has made at Weston Lakes from January 1, 2010 to date.
2. Receipts, invoices and bills of sale evidencing every purchase the Debtor has made at Weston Lakes from January 1, 2010 to date.
3. Agreements, contracts, or other documents evidencing Debtor's membership at Weston Lakes.

EXHIBIT "1" – SERVICE LIST**Debtor:**

John H. Hamilton Sr.
P. O. Box 115
Simonton, TX 77476-0115
Via First Class Mail

Debtor's Counsel:

Calvin C. Braun
ORLANDO & BRAUN L.L.P.
3401 Allen Parkway, Suite 101
Houston, TX 77019-1857
*Via ECF: calvinbraun@orlandobraun.com
and First Class Mail*

Governmental Agencies:

Stephen Douglas Statham
OFFICE OF THE U.S. TRUSTEE
515 Rusk Street, Suite 3516
Houston, TX 77002
*Via ECF: Stephen.statham@usdoj.gov
and First Class Mail*

Internal Revenue Service
Centralized Insolvency Operations
P. O. Box 21126
Philadelphia, PA 19114-0326
Via First Class Mail

US Trustee
OFFICE OF THE US TRUSTEE
515 Rusk Street, Suite 3516
Houston, TX 77002-2604
Via ECF and First Class Mail

Ronald J. Sommers,
Chapter 7 Trustee
NATHAN SOMMERS JACOBS
2800 Post Oak Blvd., 61st Floor
Houston, TX 77056
*Via ECF: rsommers@nathansommers.com
and First Class Mail*

20 Largest Unsecured Creditors:

Citibank N.A. f/k/a Citibank Texas, NA
c/o Karl Burrer
HAYNES & BOONE, LP
1221 McKinney, Suite 2100
Houston, TX 77010
Via ECF: karl.burrer@haynesboone.com

North Houston Bank
P O Box 11626
Houston, TX 77293
Via First Class Mail

Imperial Capital Bank
700 N. Central Ave
Glendale, CA 91203
Via First Class Mail

City Bank
5219 City Bank Parkway
Lubbock, TX 79407
Via First Class Mail

Center Capital Corporation
3 Farm Glen Blvd.
Farmington, CT 06032
Via First Class Mail

Regions Bank
c/o Ann Marie Laney Hill
MCGLINCHY STAFFORD PLLC
1001 McKinney St. Ste. 1500
Houston, TX 77002
Via ECF: amhill@mcglinchey.com

Patriot Bank
7500 San Felipe St, Ste 1
Houston, TX 77063
Via First Class Mail

SCS Construction Management, Inc.
c/o J. Hans Barcus
CANTRELL, RAY & BARCUS, LLP
P.O. Box 1019
Huntsville, TX 77342
Via First Class Mail

Bay Area Windham Park, LLC
c/o Michael P. Couch
P. O. Box 365
Fulshear, TX 77441
Via First Class Mail

Bay Area Windham Park, LLC
c/o Mr. Long Hai Nguyen
548 International Blvd., Suite 1
Oakland, CA 94606
Via First Class Mail

Independence Bank, NA P.O. Box 550289 Houston, TX 77255 <i>Via First Class Mail</i>	DCFS USA LLC 36455 Corporate Dr Farmington Hills, MI 48331 <i>Via First Class Mail</i>
Headwaters Construction Materials c/o Andrew McCormick McCORMICK MCNEAL EDLER & WILLIAMS LP 5909 West Loop South, Ste. 550 Bellaire, TX 77401 <i>Via First Class Mail</i>	Chase Bank One Card Services Westerville, OH 43081 <i>Via First Class Mail</i>
Glen Lowenstein P. O. Box 31339 Houston, TX 77231 <i>Via First Class Mail</i>	

Parties Requesting Notice:

SANTA FE BROKERAGE ASSOCIATES, LLC. Attn: Michael P. Couch, President 11931 Wickchester, Suite 400 Houston, TX 77043-4572 <i>Via Email: mcouch@santafefidelity.com</i>	CATHAY BANK Attn: Gregory Badura, Senior Vice President and Manager - Special Assets Division 9650 Flair Drive El Monte, CA 91731 <i>Via Email: gregory_badura@cathaybank.com</i>
GREYSTONE BUILDERS, INC. Attn: Ronald Frerich 10 Sterling Court Sugar Land, TX 77478-1868 <i>Via Email: rjfrerich@earthlink.net</i>	Mary A. Daffin BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP 1900 St. James Place, Suite 500 Houston, TX 77056 <i>Counsel for Onewest Bank, FSB, its Assigns and/or Successors in Interest Via ECF: sdecf@BDFGROUP.com</i>
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Michael Parr Couch John Iglehart SANTA FE BROKERAGE ASSOCIATES, LLC 11931 Wickchester, Ste. 400 Houston, TX 77043-4572 <i>Creditors Via First Class Mail</i>	Richard L. Crozier DAVIDSON & TROILO 919 Congress Ave., Ste. 810 Austin, TX 78701-2444 <i>Counsel for Center Capital Corporation Via ECF: rcrozier@davidsontrillo.com</i>
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<p>Kenneth H. Holt DOW GOLUB REMELS & BEVERLY, LLP 8 Greenway Plaza, 14th Fl. Houston, TX 77046 <i>Counsel for Pennbridge Capital, LLC</i> Via ECF: kholt@dowgolub.com</p>	<p>Jim D. Hamilton ROSS, BANKS, MAY, CRON & CAVIN, P.C. 2 Riverway, Suite 700 Houston, TX 77056 <i>Counsel for Independence Bank, N.A.</i> Via ECF: jdhamilton@rossbanks.com</p>
<p>Leonard H. Simon W. Kyle Vaughn PENDERGRAFT & SIMON The Riviana Building 2777 Allen Parkway, Suite 800 Houston, TX 77019 <i>Counsel for First National Bank</i> Via ECF: kyle@wkvaghnpllc.com</p>	<p>William L. Siegel COWLES & THOMPSON, P.C. 901 Main Street, Suite 3900 Dallas, TX 75202 <i>Counsel for City National Bank</i> Via ECF: wsiegel@cowlesthompson.com</p>

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Santa Fe Brokerage Associates, LLC c/o its counsel, David Crump c/o University of Houston Law Center 100 Law Center Houston, TX 77204-6060 <i>Via Email: DCrump@UH.Edu</i>	

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